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EXAMINER	
CAJILIG, CHRISTINE T	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/541,491	BOWMAN, KEN	
	Examiner	Art Unit	
	CHRISTINE T. CAJILIG	3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 July 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-84* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-84* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 July 2005* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *7/7/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “starter strip” as claimed in claims 59-70, 76, and 79 and the “removable and re-attachable" protrusion as claimed in claim 39 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Priority / Specification

It is noted that this application appears to claim subject matter disclosed in prior Application No. 60/448,635, filed 2/18/03. A reference to the prior application must be inserted as the first sentence(s) of the specification of this application or in an application data sheet (37 CFR 1.76), if applicant intends to rely on the filing date of the prior application under 35 U.S.C. 119(e), 120, 121, or 365(c). See 37 CFR 1.78(a). For benefit claims under 35 U.S.C. 120, 121, or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of all nonprovisional applications. If the application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference to the prior application must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). **This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A benefit claim filed after the required time period**

may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed benefit claim under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

If the reference to the prior application was previously submitted within the time period set forth in 37 CFR 1.78(a), but not in the first sentence(s) of the specification or an application data sheet (ADS) as required by 37 CFR 1.78(a) (e.g., if the reference was submitted in an oath or declaration or the application transmittal letter), and the information concerning the benefit claim was recognized by the Office as shown by its inclusion on the first filing receipt, the petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) are not required. Applicant is still required to submit the reference in compliance with 37 CFR 1.78(a) by filing an amendment to the first sentence(s) of the specification or an ADS. See MPEP § 201.11.

Claim Objections

Claims 4 and 16 are objected to because of the following informalities: Claims 4 and 16 recite the limitation "the bottom of the panel," or "the bottom surface." This limitation lacks antecedent basis. Did Applicant mean "the underside of the panel? Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 8-10, 18, 22, 24, 25, 71, and 74 are rejected under 35 U.S.C. 102(b) as being anticipated by Hendrickson et al. (U.S. Patent No. 6,122,877).

Regarding claim 1, Hendrickson et al. in Figure 11 discloses a panel having front (a) and rear (b) edges and first (h) and second side edges and adapted to interfit and interlock with similar panels when installed, comprising: a nailing flange (114) along the rear edge of the panel; at least one decorative element (118) between the nailing flange and the front edge of the panel; a longitudinal protrusion (113) extending upwardly and forwardly between the nailing flange and the at least one decorative element; an indented region (c) on the underside (119) of the panel along its front edge; a longitudinal cavity (d) in the indented region adapted to interfit and interlock with the longitudinal protrusion of an identical panel in front of it; and an additional cavity (e) on

the underside of the panel between the front edge of the panel and the longitudinal cavity of the panel, wherein, when the longitudinal cavity is interfitted and interlocked with the longitudinal protrusion of an identical second panel in front of it, the panel is latched from moving further backwards away from the second panel and the front edge of the panel is also latched against upward movement, and wherein, when the longitudinal cavity is interfitted and interlocked with the longitudinal protrusion of the second panel, the indented region of the panel, when viewed from the side of the panel, encompasses both the longitudinal protrusion and the nailing flange of the second panel.

Regarding claim 2, Hendrickson et al. further discloses at least one transverse structural support (117, 117a) running between the front and rear edges of the panel between the first and second side edges of the panel.

Regarding claim 3, Hendrickson et al. further discloses that the at least one transverse structural support is a plurality of transverse structural supports running between the front and rear edges of the panel between the first and second side edges of the panel.

Regarding claim 8, Hendrickson et al. further discloses that the longitudinal cavity (d) extends substantially continuously from the first side edge to the second side edge of the panel.

Regarding claim 9, Hendrickson et al. further discloses that the longitudinal protrusion (113) extends substantially continuously from the first side edge to the second side edge of the panel.

Regarding claim 10, Hendrickson et al. further discloses that the nailing flange extends substantially continuously from the first side edge to the second side edge of the panel.

Regarding claim 18, Hendrickson et al. further discloses that the at least one decorative element is a simulated tile.

Regarding claim 22, Hendrickson et al. further discloses that the at least one decorative element is a plurality of decorative elements (f, g).

Regarding claim 24, Hendrickson et al. further discloses that the plurality of decorative elements is arranged in a plurality of rows (f, g).

Regarding claim 25, Hendrickson et al. further discloses that the panel is made from plastic.

Regarding claim 71, Hendrickson et al. further discloses a system of panels comprising a plurality of panels as claimed in claim 1, interlocked together.

Regarding claim 74, Hendrickson et al. further discloses a system of panels comprising a plurality of panels as claimed in claim 1, wherein rows of panels are interlocked together by interfitting and interlocking the longitudinal protrusion of each panel within a row with the longitudinal cavity of at least one panel within an adjacent row.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrickson et al. (U.S. Patent No. 6,122,877) in view of Rodriguez et al. (U. S. Patent No. 5,305,570).

Regarding claim 5, Hendrickson et al. discloses the structure discussed above, but does not disclose that the panel further comprises at least one longitudinal structural support running between the first and second side edges of the panel between the front and rear edges of the panel.

Rodriguez et al. discloses a panel which comprises at least one longitudinal structural support (33) running between the first and second side edges of the panel between the front and rear edges of the panel to provide added support or rigidity to the panel.

It would have been obvious to a person having ordinary skill in the art at the time of the Applicant's invention to modify the panel of Hendrickson et al. to further comprise at least one longitudinal structural support running between the first and second side edges of the panel between the front and rear edges of the panel as taught by Rodriguez et al. to provide added rigidity to the panel.

Regarding claim 6, Hendrickson et al. in view of Rodriguez et al. further discloses that the at least one longitudinal structural support (33) is a plurality of longitudinal structural supports running between the first and second side edges of the panel between the front and rear edges of the panel.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrickson et al. (U.S. Patent No. 6,122,877) in view of Crick et al. (U. S. Patent No. 5,249,402).

Regarding claim 11, Hendrickson et al. discloses the structure discussed above, but does not disclose that the nailing flange further comprises a water stop along its rear edge.

Crick et al. discloses a siding joint wherein a nailing flange (15) comprises a water stop (55) along its rear edge to provide a seal (Col 4, Ln 53-63).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the Applicant's invention to modify the structure of Hendrickson et al. to have a water stop on the nailing flange as taught by Crick et al. to provide a joint with a tight seal.

Claims 12-14, 72, and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrickson et al. (U.S. Patent No. 6,122,877) in view of Storch (U.S. Patent No. 3,783,570).

Regarding claim 12, Hendrickson et al. discloses the structure discussed above, but does not disclose that each panel further comprises a transverse protrusion extending upwardly along the first side edge of the panel; and a transverse cavity on the underside of the panel along the second side edge of the panel adapted to interfit and interlock with the transverse protrusion of an identical panel to the side of it, wherein,

when the transverse protrusion is interfitted and interlocked with the transverse cavity of a panel to the side of it, the panel is prevented from sideway movement away from the panel to its side.

Storch in Figure 7 discloses a panel having a transverse protrusion (46) extending upwardly along the first side edge of the panel; and a transverse cavity (42) on the underside of the panel along the second side edge of the panel adapted to interfit and interlock with the transverse protrusion of an identical panel to the side of it, wherein, when the transverse protrusion is interfitted and interlocked with the transverse cavity of a panel to the side of it, the panel is prevented from sideway movement away from the panel to its side.

Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the Applicant's invention to modify the structure of Hendrickson et al. to each have a transverse protrusion extending upwardly along the first side edge of the panel; and a transverse cavity on the underside of the panel along the second side edge of the panel adapted to interfit and interlock with the transverse protrusion of an identical panel to the side of it, wherein, when the transverse protrusion is interfitted and interlocked with the transverse cavity of a panel to the side of it, the panel is prevented from sideway movement away from the panel to its side as taught by Storch to provide an interlocking joint system on opposing side edges that seals the joints.

Regarding claim 13, Hendrickson et al. discloses the structure discussed above, but does not disclose that each panel further comprises a recessed water reservoir extending downwardly from the top of the panel near the intersection of the first side

edge and the rear edge of the panel; and a reservoir protrusion extending downwardly from the underside of the panel near the intersection of the second side edge and the front edge of the panel, adapted to interfit and interlock with the recessed water reservoir of an identical panel to the side of it, wherein, when the reservoir protrusion is interfitted and interlocked with the recessed water reservoir of a panel to the side of it, the panel is further prevented from sideway movement away from the panel to its side.

Storch in Figure 7 discloses a panel having a recessed water reservoir (45) extending downwardly from the top of the panel near the intersection of the first side edge and the rear edge of the panel; and a reservoir protrusion (43) extending downwardly from the underside of the panel near the intersection of the second side edge and the front edge of the panel, adapted to interfit and interlock with the recessed water reservoir of an identical panel to the side of it, wherein, when the reservoir protrusion is interfitted and interlocked with the recessed water reservoir of a panel to the side of it, the panel is further prevented from sideway movement away from the panel to its side.

Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the Applicant's invention to modify the structure of Hendrickson et al. to each have a recessed water reservoir extending downwardly from the top of the panel near the intersection of the first side edge and the rear edge of the panel; and a reservoir protrusion extending downwardly from the underside of the panel near the intersection of the second side edge and the front edge of the panel, adapted to interfit and interlock with the recessed water reservoir of an identical panel to the side of it,

wherein, when the reservoir protrusion is interfitted and interlocked with the recessed water reservoir of a panel to the side of it, the panel is further prevented from sideway movement away from the panel to its side as taught by Storch to provide an interlocking joint system on opposing side edges that seals the joints.

Regarding claim 14, Hendrickson et al. in view of Storch further discloses that the recessed water reservoir drains into an adjacent drain gap (44).

Regarding claim 72, Hendrickson in view of Storch further discloses a system of panels comprising a plurality of panels as claimed in claim 12, wherein the panels are interlocked together in at least one row by intermitting and interlocking the transverse protrusion of each panel with the transverse cavity of any adjacent panel.

Regarding claim 73, Hendrickson in view of Storch further discloses a system of panels comprising a plurality of panels as claimed in claim 13, wherein the panels are interlocked together in at least one row by interfitting and interlocking the reservoir protrusion of each panel with the recessed water reservoir of any adjacent panel.

Claims 17, 19-21, and 26-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrickson et al. (U.S. Patent No. 6,122,877).

Regarding claims 17 and 19-21, Hendrickson et al. does not disclose that the at least one decorative element is simulated wood shake, slate, stone, or brick,

The limitation, "a simulated wood shake, slate, stone, or brick" is a matter of design choice.

It has been held that "matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art." *In re Seid*, 161 F.2d 229, 73 USPQ 431 (CCPA 1947). Providing a simulated wood shake, slate, stone or brick is an aesthetic design change (i.e., ornamentation only) that would require only ordinary skill in the art, and thus, would have been obvious since it would provide a cladding style that would suit a consumer's design preference.

Regarding claims 26-32, Hendrickson et al. does not disclose that the panel is made from rubber, a blend of rubber and plastic, a plastic from recycled industrial polymers, rubber from recycled rubber tire crumb, fibreglass, metal, or natural materials.

It would have been obvious to one having ordinary skill in the art at the time of invention to make the panel out of rubber, a blend of rubber and plastic, a plastic from recycled industrial polymers, rubber from recycled rubber tire crumb, fibreglass, metal, or natural materials, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. Such material would provide a fire resistant or rust resistant panel or allow for the manufacture for a more ecologically conscious product. *In re Leshin*, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

Regarding claim 33, Hendrickson et al. does not disclose that panel is colored to simulate a natural material.

The limitation, "colored to simulate natural material" is a matter of design choice.

It has been held that "matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art." *In re Seid*, 161 F.2d 229, 73 USPQ 431 (CCPA 1947). Providing a color to simulate a natural material is an aesthetic design change (i.e., ornamentation only) that would require only ordinary skill in the art, and thus, would have been obvious since it would provide a panel color that would suit a consumer's design preference.

Regarding claims 34-37, Hendrickson et al. does not explicitly disclose that the panel is about 40 inches in length, panel is about 16 inches in width, the panel is about 1.8 inches in thickness at its thickest portion, or that the panel has an exposed surface when installed of about three square feet.

It would have been an obvious matter of design choice to modify the block of panel of Hendrickson et al. to be about 40 inches in length, about 16 inches in width, about 1.8 inches in thickness at its thickest portion, or to have an exposed surface when installed of about three square feet since such a modification would have involved a mere change in the size of the components and would allow for the panel to be applied over walls of varying sizes. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrickson et al. (U.S. Patent No. 6,122,877) in view of Gilbert et al. (U.S. Patent No. 6,907,702)

Regarding claim 23, Hendrickson et al. in Figure 11 does not disclose that the plurality of decorative elements is arranged in a single row.

Gilbert et al. in Figure 7a discloses a siding panel having decorative elements (201a, 201b, and 201c) arranged in a single row to create a realistic shadow effect (Col 8, Ln 5-13).

Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the Applicant's invention to modify the panel of Hendrickson et al. to have the plurality of decorative elements arranged in a single row as taught by Gilbert et al. to create a decorative pattern with a realistic effect.

Claims 38, 40, 41, and 48-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrickson et al. (U.S. Patent No. 6,122,877) in view of Epstein et al. (U.S. Patent No. 4,015,391).

Regarding claims 38, Hendrickson et al. discloses the panel as discussed in claim 1 above, but does not disclose an accessory cap for covering changes of direction in a substrate.

Epstein et al. discloses a paneling system having straight and angled sections, the straight and angled sections having nearly identical structure, in order to cover all sections of a building, including corners.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the Applicant's invention to modify the structure of Hendrickson to include an accessory cap (having structure nearly identical to the panel in Hendrickson, but

covering a change of direction) as taught by Epstein, to cover corners of buildings in order to provide a comprehensive system that would create a unitary and continuous building exterior paneling. Since claim 38 recites features similar to those in claim 1 (covered by the panel in Hendrickson), then an accessory cap, having structure nearly identical to the straight panel in Hendrickson, necessarily covers those features recited in claim 38.

Regarding claim 40, Hendrickson et al. in view of Epstein et al. further discloses that the accessory cap further comprises at least one transverse structural support (117, 177a) running between the first and second side edges of the accessory cap between the front and rear edges of the accessory cap as a result of the accessory cap made the same characteristics as the panel.

Furthermore, it has been held that a mere duplication of parts, such as the structural supports on all elements of the paneling system, has no patentable significance unless a new and unexpected result is produced. A duplication of parts is generally recognized as being within the level of ordinary skill in the art and would provide reinforced panels and accessory caps. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1955).

Regarding claim 41, Hendrickson et al. in view of Epstein et al. further discloses that the at least one transverse structural support is a plurality of transverse structural supports (117, 117a) running between the first and second side edges of the accessory cap between the front and rear edges of the accessory cap.

Regarding claims 48-55, Hendrickson et al. in view of Epstein does not disclose that the accessory cap is made from plastic, rubber, a blend of rubber and plastic, a plastic from recycled industrial polymers, rubber from recycled rubber tire crumb, fibreglass, metal, or natural materials.

It would have been obvious to one having ordinary skill in the art at the time of invention to make the accessory cap out of plastic, rubber, a blend of rubber and plastic, a plastic from recycled industrial polymers, rubber from recycled rubber tire crumb, fibreglass, metal, or natural materials, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. Such material would provide a fire resistant or rust resistant accessory cap or allow for the manufacture for a more ecologically conscious product. *In re Leshin*, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

Regarding claim 56, Hendrickson et al. in view of Epstein et al. does not disclose that accessory cap is colored to simulate a natural material.

The limitation, "colored to simulate natural material" is a matter of design choice.

It has been held that "matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art." *In re Seid*, 161 F.2d 229, 73 USPQ 431 (CCPA 1947). Providing a color to simulate a natural material is an aesthetic design change (i.e., ornamentation only) that would require only ordinary skill in the art, and thus, would

have been obvious since it would provide an accessory cap color that would suit a consumer's design preference.

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrickson et al. (U.S. Patent No. 6,122,877) in view of Epstein et al. (U.S. Patent No. 4,015,391) as applied to claim 38 above, and further in view of Nicholson (U.S. Patent No. 5,956,913).

Regarding claim 39, Hendrickson et al. in view of Epstein et al. does not disclose that the protrusion is removable from and re-attachable to the accessory cap.

Nicholson in Figure 9 discloses a clip with a protrusion that is removable and re-attachable to a siding panel to allow for adjustment to take into account the slight imperfections during installation.

It would have been obvious to a person having ordinary skill in the art at the time of the Applicant's invention to modify the structure of Hendrickson et al. in view of Epstein et al. to have the protrusion removable from and re-attachable to the accessory cap as taught by Nicholson to allow for adjustment to take into account the slight imperfections during installation.

Claims 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrickson et al. (U.S. Patent No. 6,122,877) in view of Epstein et al. (U.S. Patent No. 4,015,391) as applied in claim 38 above, and further in view of Rodriguez et al. (U. S. Patent No. 5,305,570).

Regarding claim 43, Hendrickson et al. in view of Epstein et al. discloses the structure discussed above, but does not disclose that the accessory cap further comprises at least one longitudinal structural support running between the first and second side edges of the accessory cap between the front and rear edges of the accessory cap.

Rodriguez et al. discloses a panel which comprises at least one longitudinal structural support (33) running between the first and second side edges of the panel between the front and rear edges of the panel to provide added support or rigidity to the panel.

It would have been obvious to a person having ordinary skill in the art at the time of the Applicant's invention to modify the accessory cap of Hendrickson et al. in view of Epstein et al. to further comprise at least one longitudinal structural support running between the first and second side edges of the accessory cap between the front and rear edges of the accessory cap as taught by Rodriguez et al. to provide added rigidity to the accessory cap.

Regarding claim 44, Hendrickson et al. in view of Epstein et al. and Rodriguez et al. further discloses that the at least one longitudinal structural support (33) is a plurality of longitudinal structural supports running between the first and second side edges of the accessory cap between the front and rear edges of the accessory cap.

Claims 57 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrickson et al. (U.S. Patent No. 6,122,877) in view of Epstein et al. (U.S.

Patent No. 4,015,391) as applied to claim 38 above, and further in view of Eaton (U. S. Patent No. 4,464,872).

Regarding claims 57 and 58, Hendrickson et al. in view of Epstein et al. discloses the structure discussed above but does not disclose that the accessory cap further comprises a hinge along its longitudinal center to allow the accessory cap to flex and adjust to a variety of angles through which the substrate may change direction. wherein the accessory cap is formed in one piece and wherein the hinge consists of a portion of the accessory cap along its longitudinal center formed of lesser thickness than the surrounding portions of the accessory cap.

Eaton discloses a building paneling system with an accessory cap (20) comprising a hinge (44) along its longitudinal center to allow the accessory cap to flex and adjust to a variety of angles through which the substrate may change direction and wherein the accessory cap is formed in one piece and wherein the hinge consists of a portion of the accessory cap along its longitudinal center formed of lesser thickness than the surrounding portions of the accessory cap and allows the accessory cap to be fitted tightly against an underlying building structure (Col 3, Ln 2-5).

It would have been obvious to a person having ordinary skill in the art at the time of the Applicant's invention to modify the accessory cap of Hendrickson et al. in view of Epstein et al. to have a hinge along its longitudinal center to allow the accessory cap to flex and adjust to a variety of angles through which the substrate may change direction, and wherein the accessory cap is formed in one piece and wherein the hinge consists of a portion of the accessory cap along its longitudinal center formed of lesser thickness

than the surrounding portions of the accessory cap as taught by Eaton to provide a means that allows the accessory cap to be tightly fitted against a building's corner.

Claims 59 and 61-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrickson et al. (U.S. Patent No. 6,122,877) in view of Abramson (U.S. Patent No. 2,766,861).

Regarding claim 59, Hendrickson et al. discloses a panel as claimed in claim 1 above, but does not disclose a starter strip comprising: a nailing flange along the rear edge of the starter strip; and a longitudinal protrusion extending upwardly and forwardly in front of the nailing flange, adapted to interfit and interlock with the longitudinal cavity of the panel of claim 1, wherein, when the longitudinal protrusion of the starter strip is interfitted and interlocked with the longitudinal cavity of the panel, the panel is latched from moving further backwards away from the starter strip and the front edge of the panel is also latched against upward movement, and wherein, when the longitudinal protrusion of the starter strip is interfitted and interlocked with the longitudinal cavity of the panel, the indented region of the panel, when viewed from the side of the panel, encompasses both the longitudinal protrusion and the nailing flange of the starter strip.

The use of starter strips is old and well known in the art, the starter strip having the same elements as a rear joint portion of a siding panel.

Nonetheless, Abramson discloses a starter strip comprising a nailing flange (15) along the rear edge of the starter strip; and a longitudinal protrusion (18) extending upwardly and forwardly in front of the nailing flange, adapted to interfit and interlock with

a longitudinal cavity (defined by 27 and 26) of a panel, wherein, when the longitudinal protrusion of the starter strip is interfitted and interlocked with the longitudinal cavity of the panel, the panel is latched from moving further backwards away from the starter strip and the front edge of the panel is also latched against upward movement, and wherein, when the longitudinal protrusion of the starter strip is interfitted and interlocked with the longitudinal cavity of the panel, the indented region of the panel (defined by 26, 27, and 29), when viewed from the side of the panel, encompasses both the longitudinal protrusion and the nailing flange of the starter strip. The use of the starter strips ensures a waterproof joint at the base of the paneling or siding installation.

Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the Applicant's invention to have a starter strip as taught by Abramson above in order to provide a waterproof joint at the base of the paneling or siding system.

Regarding claim 61, Hendrickson et al. in view of Abramson further discloses an integrated drip edge element (17) along the front edge of the starter strip.

Regarding claim 62, Hendrickson et al. in view of Abramson further discloses that the starter strip is made from plastic (Col 1, Ln 31-34).

Regarding claims 63-67 and 69, Hendrickson et al. in view of Abramson does not disclose that the starter strip is made from rubber, a blend of rubber and plastic, a plastic from recycled industrial polymers, rubber from recycled rubber tire crumb, fibreglass, or natural materials.

It would have been obvious to one having ordinary skill in the art at the time of invention to make the starter strip out of rubber, a blend of rubber and plastic, a plastic

from recycled industrial polymers, rubber from recycled rubber tire crumb, fibreglass, or natural materials, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. Such material would provide a fire resistant or rust resistant starter strip or allow for the manufacture for a more ecologically conscious product. *In re Leshin*, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

Regarding claim 68, Hendrickson et al. in view of Abramson further discloses that the starter strip is made from metal (Col 1, Ln 31-34).

Regarding claim 70, Hendrickson et al. in view of Abramson does not disclose that starter strip is colored to simulate a natural material.

The limitation, "colored to simulate natural material" is a matter of design choice.

It has been held that "matters relating to ornamentation only which have no mechanical function cannot be relied upon to patentably distinguish the claimed invention from the prior art." *In re Seid*, 161 F.2d 229, 73 USPQ 431 (CCPA 1947). Providing a color to simulate a natural material is an aesthetic design change (i.e., ornamentation only) that would require only ordinary skill in the art, and thus, would have been obvious since it would provide a starter strip color that would suit a consumer's design preference.

Regarding claim 76, Hendrickson in view of Abramson further discloses the system of panels of claim 74 installed on a substrate (10); the starter strips of claim 59 installed along the edge of the same substrate (10; Col 6, Ln 63-67 to Col 7, Ln 1-8); and with the longitudinal cavities of the front most row of the system of panels interfitted

and interlocked with the longitudinal protrusions of the installed starter strips.

Claim 60 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrickson et al. (U.S. Patent No. 6,122,877) in view of Abramson (U.S. Patent No. 2,766,861) as applied to claim 59 above, and further in view of Crick et al. (U. S. Patent No. 5,249,402).

Regarding claim 60, Hendrickson et al. in view of Abramson discloses the structure discussed above, but does not disclose that the nailing flange of the starter strip further comprises a water stop along its rear edge.

Crick et al. discloses a siding joint wherein a nailing flange (15) comprises a water stop (55) along its rear edge to provide a seal (Col 4, Ln 53-63).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the Applicant's invention to modify the structure of Hendrickson et al. in view of Abramson to have a water stop on the nailing flange of the starter strip as taught by Crick et al. to provide a joint with a tight seal.

Claim 75 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrickson et al. (U.S. Patent No. 6,122,877) in view of Waller (U.S. Patent No. 4,932,184)

Regarding claim 75, Hendrickson et al. in Figure 11 does not disclose that the wherein the decorative elements of the panels within a row are staggered with respect to the decorative elements of the panels within an adjacent row.

Waller in Figures 1-4 discloses a siding panel wherein the decorative elements of the panels within a row are staggered with respect to the decorative elements of the panels within an adjacent row to better simulate the appearance of natural elements.

Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the Applicant's invention to modify the panel of Hendrickson et al. to have the decorative elements of the panels within a row staggered with respect to the decorative elements of the panels within an adjacent row as taught by Waller to create a decorative pattern with a realistic effect.

Claims 77 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrickson et al. (U.S. Patent No. 6,122,877) in view of Abramson (U.S. Patent No. 2,766,861) as applied to claim 76 above, and further in view of Epstein et al. (U.S. Patent No. 4,015,391).

Regarding claims 77 and 78, Hendrickson et al. discloses the panel as discussed in claim 1 above, but does not disclose a plurality of the accessory caps of claim 38 interlocked together to cover any change of direction of the substrate on which the system of panels is installed; the plurality of accessory caps are interlocked together by interfitting and interlocking the protrusion of each accessory cap with the cavity of any adjacent accessory cap.

Epstein et al. discloses a paneling system having straight and angled sections, the straight and angled sections having nearly identical structure, in order to cover all sections of a building, including corners.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the Applicant's invention to modify the structure of Hendrickson to include a plurality of accessory caps (having structure nearly identical to the panel in Hendrickson, but covering a change of direction) as taught by Epstein, to cover corners of buildings in order to provide a comprehensive system that would create a unitary and continuous building exterior paneling. Since claim 38 recites features similar to those in claim 1 (covered by the panel in Hendrickson), then accessory caps, having structure nearly identical to the straight panels in Hendrickson, necessarily covers those features recited in claim 38 and would be interlocked together in the same manner.

Claims 79 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrickson et al. (U.S. Patent No. 6,122,877) in view of Storch (U.S. Patent No. 3,783,570) as applied in claim 12 above, and further in view of Abramson (U.S. Patent No. 2,766,861).

Regarding claims 79 and 80, Hendrickson et al. in view of Storch discloses the structure of a panel as claimed in claim 12, but does not disclose a starter strip as claimed in claim 59.

The use of starter strips is old and well known in the art, the starter strip having the same elements as a rear joint portion of a siding panel. Nonetheless, Abramson discloses a starter strip comprising a nailing flange (15) along the rear edge of the starter strip; and a longitudinal protrusion (18) extending upwardly and forwardly in front of the nailing flange, adapted to interfit and interlock with a longitudinal cavity (defined

by 27 and 26) of a panel, wherein, when the longitudinal protrusion of the starter strip is interfitted and interlocked with the longitudinal cavity of the panel, the panel is latched from moving further backwards away from the starter strip and the front edge of the panel is also latched against upward movement, and wherein, when the longitudinal protrusion of the starter strip is interfitted and interlocked with the longitudinal cavity of the panel, the indented region of the panel (defined by 26, 27, and 29), when viewed from the side of the panel, encompasses both the longitudinal protrusion and the nailing flange of the starter strip. The use of the starter strips ensures a waterproof joint at the base of the paneling or siding installation.

Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the Applicant's invention to have a starter strip as taught by Abramson above in order to provide a waterproof joint at the base of the paneling or siding system.

Moreover, the method as claimed in claim 79 would be obvious method steps of assembling the panels of Hendrickson et al. already modified by Storch and the starter strip of Abramson to form a unitary siding panel system on an exterior of a building. Furthermore, the method of claim 80 of interfitting and interlocking additional rows of panels to the already installed system of panels would be obvious method steps in installing a complete siding system to cover the entire building exterior.

Claim 81 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrickson et al. (U.S. Patent No. 6,122,877) in view of Storch (U.S. Patent No.

3,783,570), and Abramson (U.S. Patent No. 2,766,861) as applied to claim 79 above, and further in view of Waller (U.S. Patent No. 4,932,184)

Regarding claim 81, Hendrickson et al. in view of Storch and Abramson does not disclose arranging each row of panels such that the decorative elements of the panels within a row are staggered with respect to the decorative elements of the panels within an adjacent row.

Waller in Figures 1-4 discloses a siding panel wherein the decorative elements of the panels within a row are staggered with respect to the decorative elements of the panels within an adjacent row to better simulate the appearance of natural elements.

Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the Applicant's invention to modify the system of Hendrickson et al. in view of Storch and Abramson to include the step of arranging the decorative elements of the panels within a row staggered with respect to the decorative elements of the panels within an adjacent row as taught by Waller to create a decorative pattern with a realistic effect.

Claim 82 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrickson et al. (U.S. Patent No. 6,122,877) in view of Storch (U.S. Patent No. 3,783,570), and Abramson (U.S. Patent No. 2,766,861) as applied to claim 79 above, and further in view of Miles (U.S. Patent No. 2,796,637).

Regarding claim 82, Hendrickson et al. in view of Storch and Abramson does not disclose the step of removing existing cladding material from the substrate prior to installing the one or more starter strips.

Miles disclose the step of removing existing cladding material from the substrate in order to replace siding (Col 1, Ln 43-50).

Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the Applicant's invention to modify the system of Hendrickson et al. in view of Storch and Abramson to include the step of removing existing cladding material prior to installing the one or more starter strips in order to properly install a new siding or cladding system.

Claim 83 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrickson et al. (U.S. Patent No. 6,122,877) in view of Storch (U.S. Patent No. 3,783,570), and Abramson (U.S. Patent No. 2,766,861) as applied to claim 79 above, and further in view of Kemerer (U.S. Patent No. 5,224,318).

Regarding claim 83, Hendrickson et al. in view of Storch and Abramson does not disclose the step of covering the substrate with an underlayment prior to installing the one or more starter strips.

Kemerer disclose the step of covering the substrate with an underlayment prior to installing the one or more starter strips. (Col 7, Ln 1-32).

Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the Applicant's invention to modify the system of Hendrickson et al. in view

of Storch and Abramson to include step of covering the substrate with an underlayment prior to installing the one or more starter strips in order to properly install a new siding or cladding system with a water protection barrier.

Claim 81 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrickson et al. (U.S. Patent No. 6,122,877) in view of Storch (U.S. Patent No. 3,783,570), and Abramson (U.S. Patent No. 2,766,861) as applied to claim 79 above, and further in view of Epstein et al. (U.S. Patent No. 4,015,391).

Regarding claim 84, Hendrickson et al. in view of Storch and Abramson does not disclose the step of installing the accessory caps of claim 38, and interfitting and interlocking them together, to cover any changes of direction in the substrate.

Epstein et al. discloses a paneling system having straight and angled sections, the straight and angled sections having nearly identical structure, in order to cover all sections of a building, including corners.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the Applicant's invention to modify the structure of Hendrickson to include an accessory cap (having structure nearly identical to the panel in Hendrickson, but covering a change of direction) as taught by Epstein, to cover corners of buildings in order to provide a comprehensive system that would create a unitary and continuous building exterior paneling. Since claim 38 recites features similar to those in claim 1 (covered by the panel in Hendrickson), then an accessory cap, having structure nearly

identical to the straight panel in Hendrickson, necessarily covers those features recited in claim 38.

Moreover, the method as claimed in claim 84 would be obvious method steps of assembling the panels of Hendrickson et al. already modified by Storch, the starter strip of Abramson, and an accessory cap as taught by Epstein to form a unitary siding panel system on an exterior of a building including its corners.

Claims 1-7, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beliveau (CA 1,328,725) in view of Ludowici (U.S. Patent No. 4,262,464).

Regarding claim 1, Beliveau discloses a panel having front (7) and rear (5) edges and first (9) and second (21e) side edges and adapted to interfit and interlock with similar panels when installed, comprising: a nailing flange (33) along the rear edge of the panel; at least one decorative element (15) between the nailing flange and the front edge of the panel; a longitudinal protrusion (39) extending upwardly and forwardly between the nailing flange and the at least one decorative element; an indented region (43) on the underside (13) of the panel along its front edge; a longitudinal cavity (51) in the indented region adapted to interfit and interlock with the longitudinal protrusion of an identical panel in front of it; wherein, when the longitudinal cavity is interfitted and interlocked with the longitudinal protrusion of an identical second panel in front of it, the panel is latched from moving further backwards away from the second panel and the

front edge of the panel is also latched against upward movement, and wherein, when the longitudinal cavity is interfitted and interlocked with the longitudinal protrusion of the second panel, the indented region of the panel, when viewed from the side of the panel, encompasses both the longitudinal protrusion and the nailing flange of the second panel.

Beliveau does not disclose an additional cavity on the underside of the panel between the front edge of the panel and the longitudinal cavity of the panel.

Ludiwici discloses a cladding panel with a longitudinal cavity (28) and an additional cavity (32) on the underside of the panel between the front edge (31) of the panel and the longitudinal cavity of the panel to receive a sealing element that may be used to further seal the joint (Col 6, Ln 13-16).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the Applicant's invention to modify the panel of Beliveau to have an additional cavity on the underside of the panel between the front edge of the panel and the longitudinal cavity of the panel to provide a recess for a sealing means.

Regarding claim 2, Beliveau in view of Ludowici further discloses at least one transverse structural support (23B-23D) running between the front and rear edges of the panel between the first and second side edges of the panel.

Regarding claim 3, Beliveau in view of Ludowici further discloses that the at least one transverse structural support is a plurality of transverse structural supports (23B-23D) running between the front and rear edges of the panel between the first and second side edges of the panel.

Regarding claim 4, Beliveau in view of Ludowici further discloses that the at least one transverse structural support is recessed from the bottom of the panel relative to the first and second side edges of the panel (at 103).

Regarding claim 5, Beliveau in view of Ludowici further discloses that the panel further comprises at least one longitudinal structural support (21B-21D) running between the first and second side edges of the panel between the front and rear edges of the panel.

Regarding claim 6, Beliveau in view of Ludowici further discloses that the at least one longitudinal structural support (21B-21D) is a plurality of longitudinal structural supports running between the first and second side edges of the panel between the front and rear edges of the panel.

Regarding claim 7, Beliveau in view of Ludowici further discloses that the at least one longitudinal structural support is recessed from the bottom of the panel relative to the first and second side edges of the pane (at 103).

Regarding claim 15, Beliveau in view of Ludowici further discloses a plurality of transverse structural supports (23B-23D) running between the front and rear edges of the panel between the first and second side edges of the panel; and a plurality of longitudinal structural supports (21B-21D) running between the first and second side edges of the panel between the front and rear edges of the panel, wherein the transverse structural supports and longitudinal structural supports are recessed from the bottom of the panel relative to the first and second side edges of the panel (at 103).

Regarding claim 16, Beliveau in view of Ludowici further discloses that the bottom surface of the panel near the front and rear edges of the panel further comprises a plurality of slots (19) between a hollow center of the panel and the front and rear edges of the panel.

Claims 38 and 40-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beliveau (CA 1,328,725) in view of Ludowici (U.S. Patent No. 4,262,464) as applied to claim 1 above, and further in view of Epstein et al. (U.S. Patent No. 4,015,391).

Regarding claims 38, Beliveau in view of Ludowici discloses the panel as discussed in claim 1 above, but does not disclose an accessory cap for covering changes of direction in a substrate.

Epstein et al. discloses a paneling system having straight and angled sections, the straight and angled sections having nearly identical structure, in order to cover all sections of a building, including corners.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the Applicant's invention to modify the structure of Beliveau in view of Ludowici to include an accessory cap (having structure nearly identical to the panel in Beliveau in view of Ludowici, but covering a change of direction) as taught by Epstein, to cover corners of buildings in order to provide a comprehensive system that would create a unitary and continuous building exterior paneling. Since claim 38 recites features similar to those in claim 1 (covered by the panel in Beliveau in view of

Ludowici), then an accessory cap, having structure nearly identical to the straight panel in Beliveau in view of Ludowici, necessarily covers those features recited in claim 38.

Regarding claims 40 and 41, Beliveau in view of Ludowici further discloses that the accessory cap further comprises a plurality of transverse structural support (23B-23D) running between the first and second side edges of the accessory cap between the front and rear edges of the accessory cap as a result of the accessory cap made the same characteristics as the panel.

Regarding claim 42, Beliveau in view of Ludowici further discloses that the at least one transverse structural support is recessed from the bottom of the accessory cap relative to the first and second side edges of the accessory cap as a result of the accessory cap made the same characteristics as the panel.

Regarding claims 43 and 44, Beliveau in view of Ludowici further discloses that the accessory cap further comprises a plurality of longitudinal structural supports running between the front and rear edges of the accessory cap between the first and second side edges of the accessory cap as a result of the accessory cap made the same characteristics as the panel.

Regarding claim 45, Beliveau in view of Ludowici further discloses that the at least one longitudinal structural support is recessed from the bottom of the accessory cap relative to the first and second side edges of the accessory cap as a result of the accessory cap made the same characteristics as the panel.

Regarding claim 46, Beliveau in view of Ludowici discloses the panel as claimed in claim 1 but does not disclose an accessory cap having front and rear edges and first and second side edges, for covering changes of direction in a substrate, comprising a plurality of transverse structural supports running between the first and second side edges of the accessory cap between the front and rear edges of the accessory cap, wherein the transverse structural supports are recessed from the bottom of the accessory cap relative to the first and second side edges of the accessory cap.

Epstein et al. discloses a paneling system having straight and angled sections, the straight and angled sections having nearly identical structure, in order to cover all sections of a building, including corners.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the Applicant's invention to modify the structure of Beliveau in view of Ludowici to include an accessory cap (having structure nearly identical to the panel in Beliveau in view of Ludowici, but covering a change of direction) as taught by Epstein, to cover corners of buildings in order to provide a comprehensive system that would create a unitary and continuous building exterior paneling. Since the panel claimed in claim 1 has a plurality of transverse structural supports running between the first and second side edges of the panel between the front and rear edges of the panel, wherein the transverse structural supports are recessed from the bottom of the panel relative to the first and second side edges of the panel, then an accessory cap, having structure nearly identical to the straight panel in Beliveau in view of Ludowici, necessarily covers

those features recited in claim 46 as a result of the accessory cap made the same characteristics as the panel.

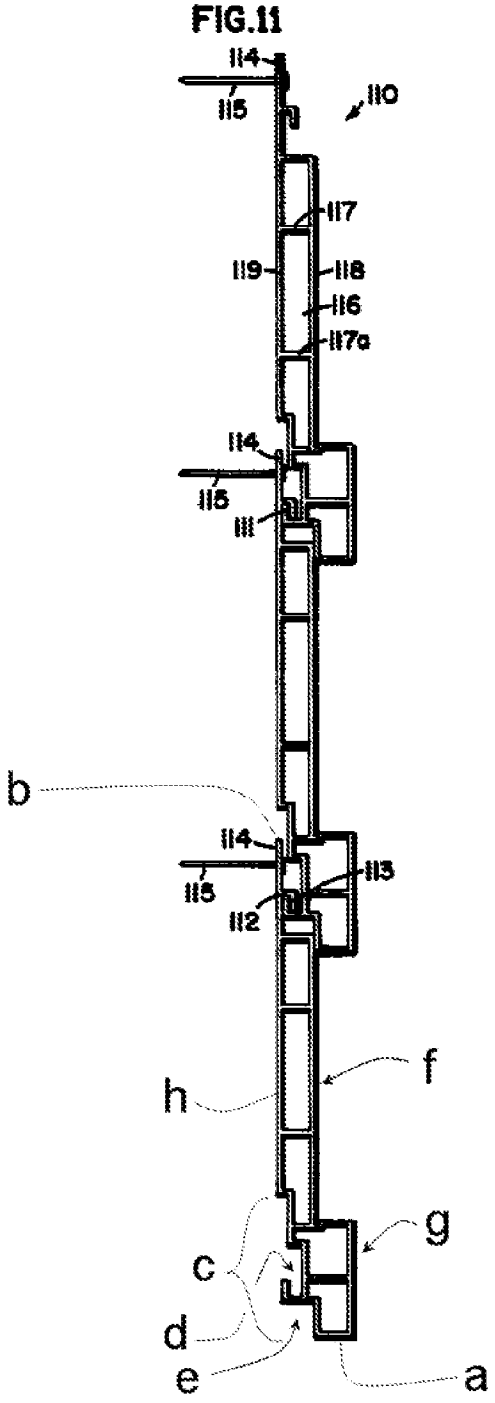
Regarding claim 47, Beliveau in view of Ludowici discloses the panel as claimed in claim 1 but does not disclose an accessory cap having front and rear edges and first and second side edges, for covering changes of direction in a substrate, comprising: a plurality of transverse structural supports running between the first and second side edges of the accessory cap between the front and rear edges of the accessory cap; a plurality of longitudinal structural supports running between the front and rear edges of the accessory cap between the firsts and second side edges of the accessory cap, wherein the transverse structural supports and longitudinal structural supports are recessed from the bottom of the accessory cap relative to the first and second side edges of the accessory cap.

Epstein et al. discloses a paneling system having straight and angled sections, the straight and angled sections having nearly identical structure, in order to cover all sections of a building, including corners.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the Applicant's invention to modify the structure of Beliveau in view of Ludowici to include an accessory cap (having structure nearly identical to the panel in Beliveau in view of Ludowici, but covering a change of direction) as taught by Epstein, to cover corners of buildings in order to provide a comprehensive system that would create a unitary and continuous building exterior paneling. Since the panel claimed in

claim 1 has a plurality of transverse structural supports running between the first and second side edges of the panel between the front and rear edges of the panel; a plurality of longitudinal structural supports running between the front and rear edges of the panel between the firsts and second side edges of the panel, wherein the transverse structural supports and longitudinal structural supports are recessed from the bottom of the panel relative to the first and second side edges of the panel, then an accessory cap, having structure nearly identical to the straight panel in Beliveau in view of Ludowici, necessarily covers those features recited in claim 47 as a result of the accessory cap made the same characteristics as the panel.

Annotated Figure



Hendrickson et al. '877

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cronenwett et al. (US 4603529) siding panel; Elzey (US 1124001) roofing tile; Ball (US 2811118) shingle; Bremer (US 2482835) tile; Swick (US 6282858 B1) roofing system; Freshwater et al. (US 6418692) angled tile.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTINE T. CAJILIG whose telephone number is (571)272-8143. The examiner can normally be reached on Monday - Thursday from 8am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Canfield can be reached on (571) 272-6840. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. T. C./
Examiner, Art Unit 3633
4/24/08

/Robert J Canfield/
Supervisory Patent Examiner, Art Unit 3635